

**ANN ARBOR CITY COUNCIL MINUTES  
CONTINUED REGULAR SESSION OF JULY 1, 1996  
JULY 3, 1996**

The continued regular session of the Ann Arbor City Council was called to order at 7:40 p.m. in the City Hall Council Chamber by Mayor Ingrid B. Sheldon.

**ROLL CALL OF COUNCIL**

**PRESENT :** Councilmembers Tobi Hanna-Davies, Patricia Vereen-Dixon, Jane Lumm, David Kwan, Jean Carlberg, Heidi Cowing Herrell, Patrick A. Putman, Christopher Kolb, Elisabeth L. Daley, Mayor Ingrid B. Sheldon, 10.

**ABSENT :** Councilmember Stephen C. Hartwell, 1.

**PUBLIC HEARINGS (CONT.)**

**LIBERTY OAKS SITE CONDOMINIUM AREA PLAN (CONT.)**

A public hearing was conducted on the proposed Liberty Oaks Site Condominium Area Plan, 8.03 acres, 2800 West Liberty Street. Notice of public hearing was published June 23, 1996. This hearing is continued from July 1, 1996.

The following persons appeared:

Khalil Bitar, 684 Burr Oak Dr., spoke in opposition to the construction of the three roads leading from the proposed development onto Burr Oak Drive. Mr. Bitar stated that the increased traffic from these roads would create hazardous conditions on Burr Oak Dr. and jeopardize the safety of children attending Lakewood School.

Sam Yaldo, the developer, stated that the proposal includes 46 single-family homes which is a 35% reduction in units from the original plan. Mr. Yaldo reported that the roads and utilities are already in place and that there are no other changes to the project, with the exception of a small curb cut at the end of the boulevard to service three outlots.

There being no one else to speak, the Mayor declared the hearing closed.

**PARK PLAZA ZONING (ORDINANCE NO. 25-96)**

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 1.5 acres from M1 (Limited Industrial District) to C3 (Fringe Commercial District), Park Plaza, west side of South Industrial Highway, north of Astor Drive. Notice of public hearing was published June 16, 1996.

There being no one to speak, the Mayor declared the hearing closed.

#### **PARK PLAZA AREA PLAN**

A public hearing was conducted on the proposed Park Plaza Area Plan, 2.96 acres, west side of South Industrial Highway, north of Astor Drive. Notice of public hearing was published June 23, 1996.

There being no one to speak, the Mayor declared the hearing closed.

#### **BENJEY LAND DIVISION**

A public hearing was conducted on the proposed Benjey Land Division, 0.58 acre, 4 Shipman Circle. Notice of public hearing was published June 23, 1996.

There being no one to speak, the Mayor declared the hearing closed.

#### **FRANKLIN BOULEVARD SIDEWALK GAP SPECIAL ASSESSMENT PROJECT**

A public hearing was conducted on the proposed Franklin Boulevard Sidewalk Gap Special Assessment Project. Notice of public hearing was published June 16, 1996.

There being no one to speak, the Mayor declared the hearing closed.

### **APPROVAL OF COUNCIL MINUTES**

#### **MINUTES OF JUNE 10 AND 17 APPROVED**

Councilmember Putman moved that the working session minutes of June 10, 1996 and the regular session minutes of June 17, 1996 be approved, with the following correction to the June 17 minutes:

#### **REPORTS FROM COUNCIL COMMITTEES**

Councilmember Carlberg announced that Councilmember Kolb is absent this date because he is one of 4 young leaders from the State of Michigan UNITED STATES attending the 1996 American Council of

Young Political Leaders....

On a voice vote the Mayor declared the motion carried.

**COMMUNICATIONS FROM THE CITY ATTORNEY**

**RESPONSE TO ISSUES REGARDING KKK RALLY**

City Attorney Abigail Elias responded to questions from Council concerning the legal issues surrounding the June 22 Ku Klux Klan rally. Ms. Elias explained that Ann Arbor is obligated to grant and protect First Amendment rights to free speech regardless of how hateful that speech may be. She cited rulings against municipalities showing that local laws cannot restrict rights, even based on the threat of violence, nor bill groups for the costs to provide police protection. She further explained that the charges and bonds against the counterdemonstrators are handled by the Washtenaw County Prosecutor and court system, not by City Council.

**CONSENT AGENDA**

**CONSENT AGENDA ITEMS APPROVED**

Councilmember Kolb moved that the following Consent Agenda items be approved as presented:

**R-292-7-96 APPROVED**

**RESOLUTION TO APPROVE PURCHASE ORDERS FOR  
DIESEL FUEL AND GASOLINE REQUIREMENTS FOR  
PUBLIC SERVICES AND UTILITIES DEPARTMENTS**

Whereas, The Public Services and Utilities Departments purchase required diesel fuel and gasoline for City of Ann Arbor equipment; and

Whereas, It has been determined that it is advantageous to obtain spot verbal bid quotes at the time of diesel and gasoline purchases;

RESOLVED, That City Council approve the issuance of purchase orders for the purchase of diesel fuel and gasoline requirements from any fuel distributor that meets City of Ann Arbor Human Resources requirements and is the lowest responsible bidder; and

RESOLVED, That this resolution authorize the Public Services and Utilities Departments to purchase fuel requirements using spot bidding during fiscal years 1996-97; 1997-98, and 1998-99.

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**R-293-7-96 APPROVED**

**RESOLUTION TO APPROVE PROGRAMMATIC AGREEMENT  
WITH THE MICHIGAN STATE HISTORIC PRESERVATION OFFICE  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Whereas, The City of Ann Arbor receives Community Development Block Grant and HOME program funds to undertake various types of rehabilitation;

Whereas, The City certifies that upon acceptance of these funds it will adhere to federal provisions regarding the use of these funds;

Whereas, Section 106 of the National Historic Preservation Act requires certain conditions be met with regard to rehabilitation of historic properties;

Whereas, The initial Programmatic Agreement was approved by City Council on July 6, 1987 and renewed on August 3, 1992, and because the current agreement expires at the end of the FY 1996 program year, it must again be renewed;

Whereas, The Michigan State Historic Preservation Office and the Advisory Council on Historic Preservation have both reviewed the proposed agreement and found it to be acceptable; and

Whereas, The Ann Arbor Historic District Commission has reviewed and approved the agreement at its meeting on June 13, 1996;

**RESOLVED, That City Council approve the Programmatic Agreement for the period FY 1997 through FY 2001 with the Michigan State Historic Preservation Office and the Advisory Council on Historic Preservation governing procedures for rehabilitation of historic properties with federal funds, and authorize the Mayor and City Clerk to execute the required document substantially on file in the Office of the City Clerk.**

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**R-294-7-96 APPROVED**

**RESOLUTION TO APPROVE CONTRACT WITH LAVANT  
LANDSCAPING, INC. FOR SITE IMPROVEMENTS AT  
PUBLIC HOUSING SITES**

**Whereas, The Housing Commission has Comprehensive Grant Program 702-94 and 703-95 HUD Funding as well as City of Ann Arbor Downtown Development Authority (DDA) funding to pursue drainage and site improvements at Hikone, Green Road, and North and South Maple family sites, plus a seating plaza at Baker Commons;**

**Whereas, The Housing Commission solicited sealed bids for the specified work and received two bids, of which the low bid was deemed responsive and within budget parameters for the proposed work;**

**Whereas, The Housing Commission Board approved award of contract to LaVant Landscaping at its June 19, 1996 regular meeting; and**

**Whereas, The Human Resources Department issued Human Rights approval for this contractor on June 24, 1996;**

**RESOLVED, That the City Council approve the contract with LaVant Landscaping in the amount of \$86,100.00 for site improvements at Baker Commons and four family public housing sites, and that the Mayor and City Clerk be authorized to sign the agreement substantially in the form on file with the City Clerk.**

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**R-295-7-96 APPROVED**

**RESOLUTION TO APPROVE CONTRACT WITH MICHIGAN  
COMMUNITY UNDERWRITERS FOR INSURANCE COVERAGE  
FOR THE ANN ARBOR HOUSING COMMISSION**

Whereas, The Ann Arbor Housing Commission needs to protect its assets against destruction and loss;

Whereas, The Housing Commission solicited bids from three different insurance agencies in the Southeast Michigan area;

Whereas, Only one bidder, Michigan Community Underwriters, was able to give a competitive quote;

Whereas, The Housing Commission Board approved award of contract to Michigan Community Underwriters at its June 19, 1996 regular meeting; and

Whereas, the Human Resources Department issued Human Rights approval for this contractor on June 24, 1996;

**RESOLVED**, That the City Council approve the contract with Michigan Community Underwriters in the amount of \$34,989.00 for insurance coverages, and that the Mayor and City Clerk be authorized to sign the contract when presented.

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**R-296-7-96 APPROVED**

**RESOLUTION TO APPROVE CONTRACT WITH  
INDOOR COMFORT FOR AIR CONDITIONING UNIT  
REPAIRS AT BAKER COMMONS**

Whereas, The Housing Commission has sustained damage to newly installed air conditioning units at its Baker Commons housing site;

Whereas, The Commission has filed a property damage claim with its insurance company and has received authorization to proceed with repair work by the adjuster;

Whereas, The Commission seeks to utilize the contractor who initially installed the units and has been monitoring them under a one-year labor warranty;

Whereas, The Board of the Housing Commission approved award of contract to Indoor Comfort at its June 19, 1996 regular meeting; and

Whereas, The Human Resources Department issued Human Rights approval for this contractor on June 25, 1996;

RESOLVED, That the City Council approve the contract with Indoor Comfort for the repair of ten air conditioning units at Baker Commons in the amount of \$29,760.00, and that the Mayor and City Clerk be authorized to sign the contract when presented.

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**R-297-7-96 APPROVED**

**RESOLUTION TO APPROVE CONSTRUCTION CONTRACT  
WITH JOHN HOLLOWELL & ASSOCIATES, INC. FOR CRANBROOK  
AND WARD PARK IMPROVEMENTS -**

**BID NO. 2909**

Whereas, Cranbrook and Ward Parks are designated in the 1989-94 Park Rehabilitation and Development Millage budget for renovation;

Whereas, Competitive bids were received by the Purchasing Division on June 18, 1996, and John Hollowell & Associates Inc. was the lowest responsible bidder at \$55,540.02;

Whereas, Funds for the project are available from the 1989-94 Parks Rehabilitation and Development Millage and Developer Contributions totaling \$66,500.00 in the FY 96/97 budget, and

Whereas, The Human Rights Department approval was received on July 1, 1996 for John Hollowell & Associates, Inc.;

RESOLVED, That the Mayor and City Council approve a construction contract, per bid #2909, with John Hollowell & Associates Inc. in the amount of \$55,540.02 for improvements to Cranbrook and Ward Parks, and authorize the Mayor and City Clerk to sign the agreement substantially in the form on file with the City Clerk; and

RESOLVED, That the Mayor and City Council approve a construction contingency in the amount of \$5,554.00 (10%) to cover potential contract change orders to be approved by the City Administrator and to approve a total project budget of \$61,094.02 for the life of the project.

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R-298-7-96 APPROVED

RESOLUTION TO AUTHORIZE PURCHASE ORDER FOR  
PRINTING AND PUBLISHING OF AFOR THE PEOPLE≡

Whereas, Funding for the printing and publishing of the *For the People* newsletter is in the City Clerk=s Office budget;

Whereas, The City Clerk=s Office has published *For the People* in the *Observer* since 1991;

Whereas, The *Ann Arbor Observer* received Human Rights approval from the Human Resources Department on May 31, 1996;

RESOLVED, That City Council approve the issuance of a purchase order to the *Ann Arbor Observer* for printing and publishing *For the People*, the city newsletter, for fiscal year 1995/96 in the amount of \$42,677.60.

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R-299-7-96 APPROVED

RESOLUTION TO APPROVE TEMPORARY OUTDOOR  
SALES, SERVICE AND CONSUMPTION OF ALCOHOLIC  
BEVERAGES DURING THE ANN ARBOR ART FAIR

RESOLVED, That the request of the following liquor licensed establishments for temporary authorization for outdoor sales, service and consumption of alcoholic beverages during the Ann Arbor Art Fair, July 24-27, 1996, be approved within the defined area filed with the Ann Arbor Police Department:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Afternoon Delight	251 E. Liberty
Ashleys	338 S. State
Bella Ciao	118 W. Liberty
Heidelberg	215 N. Main
Mongolian BBQ	200 S. Main
Mitch=s Place	1301 S. University
Nectarine	516 E. Liberty
Old Town	122 W. Liberty
One Eyed Moose	209 S. Main

Red Hawk	316 S. State
Rick=s Cafe	611 Church
Scorekeepers	310 Maynard
Touchdown Cafe	1220 S. University
Zanzibar	214 S. State

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**R-300-7-96 APPROVED**

**RESOLUTION AUTHORIZING WATER MAIN AND SANITARY SEWER IMPROVEMENT CHARGES FOR 430 ROSE DRIVE**

Whereas, The City has previously constructed a water main and sanitary sewer improvements described as follows:

**Water Main:** Non-District Job A-516W; 16" Water Main in Rose Drive; \$20.85/linear foot of frontage; \$20.85 x 60 = \$1,251.00

**Sanitary Sewer:** Rose Drive Sanitary Sewer, File No. 90060, District No. 461; 8" Sanitary Sewer Cost - \$5,727.50/connection; one connection = \$5,727.50

**GRAND TOTAL OF IMPROVEMENT CHARGES \$6,978.50 ; and**

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties, and this fair share has not been previously paid nor contracted for;

**RESOLVED,**

1. That Council levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

<b><u>Annexation Address:</u></b>	430 Rose Drive
<b><u>City Assessor Code:</u></b>	08-24-304-013
<b><u>Annexation No:</u></b>	A95-12
<b><u>Planning File No:</u></b>	8243L15.1 & .2

Lot 155 of The Evergreens Subdivision, Washtenaw County, Michigan, Now situated in the City of Ann Arbor.

2. That the improvement charge levied be \$6,978.50 and be designated as

Utilities Improvement Charge No. 641;

3. That this improvement charge be divided into 15 equal installments; the first to be due on August 1, 1996, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 8.4% per annum commencing August 1, 1996;

4. That the City Clerk be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge be invoiced to Jack D. Cheesman, 430 Rose Drive, Ann Arbor, MI 48103, and be credited in the amounts of \$1,251.00 to Fund 042-073-7151, and \$5,727.50 to Fund 043-073-7151.

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R-301-7-96 APPROVED

RESOLUTION AUTHORIZING WATER MAIN AND SANITARY SEWER IMPROVEMENT CHARGES FOR 440 ROSE DRIVE

Whereas, The City has previously constructed a water main and sanitary sewer improvements described as follows:

Water Main: Non-District Job A-516W; 16" Water Main in Rose Drive; \$20.85/linear foot of frontage;  $\$20.85 \times 53.48 = \$1,115.10$

Sanitary Sewer: Rose Drive Sanitary Sewer, File No. 90060, District No. 461; 8" Sanitary Sewer Cost - \$5,727.50/connection; one connection = \$5,727.50

GRAND TOTAL OF IMPROVEMENT CHARGES \$6,842.60 ; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties, and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following newly-annexed property which is specially benefitted by the above improvements:

**Annexation Address:** 440 Rose Drive  
**City Assessor Code:** 08-24-304-014  
**Annexation No.:** A95-11  
**Planning File No.:** 8243M15.1 & .2

Lot 154 of The Evergreens Subdivision, Washtenaw County, Michigan,  
Now situated in the City of Ann Arbor.

2. That the improvement charge levied be \$6,842.60 and be designated as Utilities Improvement Charge No. 640;

3. That this improvement charge be divided into 15 equal installments; the first to be due on August 1, 1996, and the 14 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 8.4% per annum commencing August 1, 1996;

4. That the City Clerk be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge be invoiced to Ronald L. and Deborah K. Cheesman, 440 Rose Drive, Ann Arbor, MI 48103, and be credited in the amounts of \$1,115.10 to Fund 042-073-7151, and \$5,727.50 to Fund 043-073-7151.

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## R-302-7-96 APPROVED

**RESOLUTION TO ACCEPT BOARD OF INSURANCE  
ADMINISTRATION MINUTES AND TO AUTHORIZE PAYMENTS**

RESOLVED, That the attached Board of Insurance Administration Minutes of June 13, 1996 be accepted and that the payments therein be authorized.

**MINUTES  
CITY OF ANN ARBOR BOARD OF  
INSURANCE ADMINISTRATION  
JUNE 13, 1996**

**Present:** Christopher Kolb, Councilperson  
David Kwan, Councilperson  
Brenda Smith, City Treasurer 3.

**Absent:** None

**Also Present:** Daniel J. Cullen, Risk Manager  
Stefani Carter, Assistant City Attorney  
Bob West, Assistant City Attorney  
J.J. Hiller, Attorney for Timothy Carpenter  
Joseph Decker, Claimant  
Nanette Decker, Claimant 6.

**CITIZENS' CLAIMS APPROVED AND CHECK ISSUED:**

<u>CASE NO.</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
CC 1-96	Sewer back-up claim of I. Bayer & G. Schwinghamer	\$208.00
CC 15-96	Vehicle damage claim of Mark Horning	\$2,525.50
CC 21-96	Vehicle damage claim of Campus Auto Rental	\$520.55
CC 16-96	Sewer back-up claim of Arthur French (2204 Packard)	\$115.00
CC 28-96	Sewer back-up claim of Robert Cant (2811 Lillian)	\$320.40
	<b>TOTAL</b>	<b>\$3,689.05</b>

**LEGAL EXPENSES AND/OR CASE RELATED EXPENSES:**

<b><u>CASE NO.</u></b>	<b><u>CLAIMANT</u></b>	<b><u>AMOUNT</u></b>
CC 64-92	Lawsuit of Roland Moskowitz by W. Perlove, Atty Heidi Salter, Mediator	\$25.00
CC 64-92	Lawsuit of Roland Moskowitz by W. Perlove Atty. Cathy Bowerman, Mediator	\$25.00
CC 64-92	Lawsuit of Roland Moskowitz by W. Perlove, Atty. Anita Reese, Mediator	\$25.00
WC 10-95	Workers= Compensation Case of Mary Rinne Keller, Thoma & Schwarze	\$230.30
CC 79-95	Lawsuit of Brian Klenk by Samuel Field Washtenaw County Circuit Court Clerk	\$10.00
CC 106-94	Lawsuit of Jayne Greer Records Deposition Service	\$29.62
WC 10-95	Workers= Compensation Case of Mary Rinne Keller, Thoma, Schwarze	\$47.95
	<b>TOTAL</b>	<b>\$392.87</b>

**MISCELLANEOUS:**

Workers= Compensation Third Party Administrator for second quarter (May 7, 1996 - August 7, 1996)	\$10,375.00
Multi-Line Claims Adjusting for fourth quarter (May 15, 1996 - August 15, 1996)	\$7,792.50
<b>REIMBURSEMENTS RECEIVED:</b>	<b>\$0.00</b>
<b>TOTAL DEPOSITED SINCE 5-2-96</b>	<b>\$0.00</b>

**CITIZEN'S CLAIMS DENIED:****CASE NO.**

- CC 110-95**    **Lawsuit of Dean Bowerbank by Don Ferris, Attorney**  
                  **Discussed by Bob West, Assistant City Attorney and the Board**  
                  **denied the claim.**
- CC 29-96**    **Property damage claim of Detroit Edison (State and Packard)**  
                  **Discussed by Daniel J. Cullen, Risk Manager and the Board**  
                  **denied the claim.**
- CC 34-96**    **Property damage claim of Detroit Edison (S. Main & Stadium)**  
                  **Discussed by Daniel J. Cullen, Risk Manager and the Board**  
                  **denied the claim.**
- CC 35-96**    **Property damage claim of Detroit Edison (S. Main & Stadium)**  
                  **Discussed by Daniel J. Cullen, Risk Manager and the Board**  
                  **denied the claim.**
- CC 37-96**    **Property damage claim of Detroit Edison (S. Main & Stadium)**  
                  **Discussed by Daniel J. Cullen, Risk Manager and the Board**  
                  **denied the claim.**
- CC 38-96**    **Property damage claim of Detroit Edison (Greenhills/Earhart)**  
                  **Discussed by Daniel J. Cullen, Risk Manager and the Board**  
                  **denied the claim.**
- CC 40-96**    **Property damage claim of Detroit Edison (Green/Plymouth)**  
                  **Discussed by Daniel J. Cullen, Risk Manager and the Board**  
                  **denied the claim.**
- CC 41-96**    **Property damage claim of Detroit Edison (Stadium/Seventh)**  
                  **Discussed by Daniel J. Cullen, Risk Manager and the Board**  
                  **denied the claim.**
- CC 44-96**    **Property damage claim of Detroit Edison (Geddes/Huron Pkwy)**  
                  **Discussed by Daniel J. Cullen, Risk Manager and the Board**  
                  **denied the claim.**

- CC 45-96** Property damage claim of Detroit Edison (E. Univ./S. Univ.)  
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
- CC 42-96** Property damage claim of Detroit Edison (Bonisteel & Murfin)  
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
- CC 46-96** Property damage claim of Detroit Edison (Sunset & Newport)  
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
- CC 47-96** Property damage claim of Detroit Edison (Burbank & Green)  
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the claim.
- WC 2-96** Workers= Compensation Case of Jackie Dearing  
Discussed by Daniel J. Cullen, Risk Manager and the Board denied the purchase of office equipment, referring the purchase to the Human Resources Department.

**OTHER BUSINESS:**

**CASE NO.**

- CC 107-95** Bodily injury claim of Nancy Erickson  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized closing the claim due to inactivity by claimant.
- CC 9-96** Sewer Back-Up Claim of Joseph Decker (2980 Devonshire)  
Discussed by Joseph Decker, Claimant and the Board authorized settlement.
- CC 91-94** Bodily injury claim of Timothy Carpenter by J.J. Hiller, Attorney  
Discussed by J.J. Hiller, Attorney for claimant and the Board authorized settlement.
- CC 64-92** Lawsuit of Roland Moskowitz by Warren Perlove, Attorney  
Discussed by Stefani Carter, Assistant City Attorney and the Board authorized settlement.
- CC 127-95** Property damage claim of Cava Java  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.

- CC 39-96**      **Property damage claim of Detroit Edison (Maple and Jackson)**  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 48-96**      **Property damage claim of Detroit Edison (Huron Parkway/Platt)**  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 31-96**      **Property damage claim of Detroit Edison (Fairview/Dexter)**  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 55-96**      **Property damage claim of Michael Kelley**  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 50-96**      **Bodily injury claim of Lucinda Sikkenga**  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- PD 65-96**      **Vehicle damage claim of Utilities Dept. Vehicle #3289**  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 26-96**      **Vehicle damage claim of George Hinman**  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- CC 14-96**      **Vehicle damage claim of Katrina Jankowski**  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.
- WC 10-95**      **Workers= Compensation Case of Mary Rinne**  
Discussed by Daniel J. Cullen, Risk Manager and the Board authorized settlement.

**REQUESTS FOR INFORMATION ON PENDING CLAIMS -  
AWAITING MORE INFORMATION:**

<u>CASE NO.</u>	<u>NAME</u>	<u>INCIDENT</u> <u>DATE</u>	<u>CLAIM</u> <u>RECEIVED</u>	<u>INFO FROM</u> <u>CLAIMANT</u>	<u>DATE OF</u> <u>CORRES.</u>	<u>ND. RPT</u> <u>FROM</u>	<u>DATE TO</u> <u>CLM.</u>
56-96	Buczowski	5-13-96	5-23-96		5-31-96*	Transp.	5-31-96
58-96	White	Winter 96	5-29-96		5-31-96*	Transp.	5-31-96
59-96	Hanson	4-4-96	6-4-96		6-4-96	Parks	6-4-96
60-96	Politis	April 96	6-4-96		6-4-96	Forestry	6-4-96

\*Sent second notice to department on June 11, 1996

**ADDITIONAL CLAIMS RECEIVED SINCE LAST MEETING -  
AWAITING FURTHER INVESTIGATION AND/OR INFORMATION:**

- CC 55-96 Property damage claim of Michael Kelly
- CC 56-96 Bodily injury claim of Peter Buczowski by Marc Wander, Attorney
- CC 57-96 Lawsuit of Robert Lay by Christopher Trainor, Attorney
- CC 58-96 Property damage claim of Robert White
- CC 59-96 Vehicle damage claim of Lisa & Lowell Hanson
- CC 60-96 Property damage claim of Demetrios T. Politis

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**R-303-7-96 APPROVED**

**RESOLUTION TO ENTER INTO A CONTRACT FOR  
LEGAL SERVICES WITH KELLER, THOMA**

Whereas, During the current fiscal year, the law firm of Keller, Thoma, Schwarze, Schwarze, DuBay & Katz, P.C. has performed services for the City on a variety of labor relations matters; and

Whereas, The firm has received Human Rights approval on June 19, 1996;

**RESOLVED**, That a contract in the amount of \$25,401.22 be approved; and

**RESOLVED**, That the Mayor and City Clerk sign the contract after approval as to form by the City Attorney and as to substance by the City Administrator.

The question being the foregoing Consent Agenda items as presented, on a voice vote the Mayor declared the motion carried.

**ORDINANCES - SECOND READING**

**19-96 APPROVED AS AMENDED**

**2569 WEST LIBERTY STREET ZONING**

**An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor**

**This ordinance would change the zoning of 0.18 acre, located at 2569 West Liberty Street, from unzoned to R4B (Multiple-Family Dwelling District).**

**Councilmember Lumm moved that the ordinance be adopted at second reading.**

**Councilmember Carlberg moved that Section 1 of the ordinance be amended by changing the zoning classification from R1C (Single-Family Dwelling District) to R4B (Multiple-Family Dwelling District).**

**On a voice vote the Mayor declared the motion carried.**

**The question being the ordinance as amended, on a voice vote the Mayor declared the motion carried.**

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**24-96 APPROVED**

**LIBERTY OAKS SITE CONDOMINIUM REZONING**

**An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor**

**This ordinance would change the zoning of 8.03 acres, located at 2800 West Liberty Street, from R4A (Multiple-Family Dwelling District) to R1D (Single-Family Dwelling District).**

**Councilmember Lumm moved that the ordinance be adopted at second reading.**

**On a voice vote the Mayor declared the motion carried.**

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**R-304-7-96 APPROVED**

**RESOLUTION TO APPROVE LIBERTY OAKS SITE CONDOMINIUM ARE PLAN**

**A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Liberty Oaks Site Condominium Area Plan, 8.03 acres, 2800 West Liberty Street.**

Whereas, Isam S. Yaldo has requested area plan approval for the development of 46 single-family detached dwellings at 2800 West Liberty Street; and

Whereas, The Ann Arbor City Planning Commission recommended approval of said request on May 21, 1996;

**RESOLVED**, That City Council approve the Liberty Oaks Site Condominium Area Plan.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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**25-96 APPROVED**

**PARK PLAZA REZONING**

**An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor**

This ordinance would change the zoning of 1.5 acres, located on the west side of South Industrial Highway, north of Astor Drive, from M1 (Limited Industrial District) to C3 (Fringe Commercial District).

Councilmember Putman moved that the ordinance be adopted at second reading.

On a voice vote the Mayor declared the motion carried.

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**R-305-7-96 APPROVED**

**RESOLUTION TO APPROVE PARK PLAZA AREA PLAN**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Park Plaza Area Plan, 2.96 acres, west side of South Industrial Highway, north of Astor Drive.

Whereas, K & K Investment Company has requested area plan approval for the development of two retail buildings in two separate phases on the west side of South Industrial Highway, north of Astor Drive; and

Whereas, The Ann Arbor City Planning Commission recommended approval

of said request on May 21, 1996;

**RESOLVED, That City Council approve the Park Plaza Area Plan.**

**Councilmember Putman moved that the resolution be adopted.**

**On a voice vote the Mayor declared the motion carried.**

**ORDINANCES - FIRST READING**

**31-96 APPROVED**

**TAX EXEMPTIONS FOR HOUSING PROJECTS**

**An Ordinance to Amend Section 1:591 of Chapter 19  
of Title I of the Code of the City of Ann Arbor**

**This ordinance would provide tax exemptions for family housing projects dedicated exclusively for persons with incomes less than 50% of the area median.**

**Councilmember Hanna-Davies moved that the ordinance be approved at first reading.**

**On a voice vote the Mayor declared the motion carried.**

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**32-96 APPROVED**

**EMERGENCY CONTRACTS**

**An Ordinance to Amend Section 1:316 of Chapter 14  
of Title I of the Code of the City of Ann Arbor**

This ordinance would permit emergency contracts.

Councilmember Kolb moved that the ordinance be approved at first reading.

On a voice vote the Mayor declared the motion carried.

**MOTIONS AND RESOLUTIONS**

**POSTPONED**

**RESOLUTION TO APPROVE HOUSING AFFORDABILITY  
AGREEMENT WITH AVALON HOUSING INC. REGARDING  
1217 WEST HURON STREET**

Whereas, An application was received in May, 1996 from Avalon Housing Inc. for financial assistance to be used for the acquisition of property located at 1217 West Huron Street to be used as affordable housing for very low income residents;

Whereas, From the total estimated project cost of \$253,175.00, Avalon will be leveraging funds from Washtenaw County, the Federal Home Loan Bank (FHLB) through Great Lakes Bancorp, and Local Initiative Support Corporation (LISC);

Whereas, The Housing Policy Board at its meeting on June 19, 1996 recommended City Council approval of \$153,925.00 of HOME funds for the project;

Whereas, Avalon agrees to resolve conditions relating to seeking but not requiring the securing of the City funds in a first or shared first position and working with the City on any relocation issues; and

Whereas, Human Rights approval was received for the contractor on April 3, 1996;

**RESOLVED**, That City Council approve the Housing Affordability Agreement in the amount of \$153,925.00 of HOME funds, with \$36,731.00 as a 1% interest, 30-year loan and \$117,194.00 as a 0% interest deferred payment loan with no repayment of principal or interest until the sale of the property; and

**RESOLVED**, That City Council authorize the Mayor and City Clerk to execute the Housing Affordability Agreement, the Inter-Creditor Agreement and all other documents necessary to implement this agreement substantially in the form on file in the office of the City Clerk, with funds to be available until expended without regard to fiscal year.

Councilmember Kolb moved that the resolution be adopted.

Councilmember Kolb moved that the resolution be postponed until the July 15, 1996 regular session of Council for further citizen input.

On a voice vote the Mayor declared the motion carried.

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**R-306-7-96 APPROVED**

**RESOLUTION TO APPROVE BENJEY LAND DIVISION**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Benjey Land Division, 0.58 acre, 4 Shipman Circle.

Whereas, Christopher and Julie Benjey have requested the division of 4 Shipman Circle (Assessor Code No. 09-34-212-058) into two separate parcels; and

Whereas, The Ann Arbor City Planning Commission recommended approval of said request on June 18, 1996;

**RESOLVED**, That City Council approve the Benjey Land Division, as described below, subject to recording a 30-foot wide public utility easement prior to the issuance of building permits.

**Parcel A**

Commencing at the N 1/4 corner of Section 34, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence along the centerline of Geddes Road, N 79° 32' W 365.92 feet; thence S 0° 22' 30" W 536.51 feet; thence along the north line of Heatheridge Subdivision, as recorded in Liber 10 of Plats, page 59, Washtenaw County Records; thence N 86° 34' 30" W 313.65 feet; thence along the east line of said Heatheridge Subdivision N 1° 29' 30" E 336.42 feet for a Place of Beginning; thence continuing along the east line of said Heatheridge Subdivision N 1° 29' 30" E 85.63 feet; thence S 81° 31' E 146.36 feet; thence S 8° 29' W 85.00 feet; thence N 81° 31' 00" W 135.89 feet to the Place of Beginning, being a part of the N.E. 1/4 of the N.W. 1/4 of Section 34, City of Ann Arbor, together with a non-exclusive easement

for ingress and egress over a right-of-way.

**Parcel B**

Commencing at the N 1/4 corner of Section 34, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence along the centerline of Geddes Road, N 79° 32' W 365.92 feet; thence S 0° 22' 30" W 536.51 feet; thence along the north line of Heatheridge Subdivision as recorded in Liber 10 of Plats, page 59, Washtenaw County Records; thence N 86° 34' 30" W 313.65 feet; thence along the east line of said Heatheridge Subdivision N 1° 29' 30" E 223.00 feet for a Place of Beginning; thence continuing along the east line of said Heatheridge Subdivision N 1° 29' 30" E 103.42 feet; thence S 81° 31' E 135.89 feet; thence S 8° 29' W 101.36 feet; thence N 82° 07' 00" W 123.27 feet to the Place of Beginning, being a part of the N.E. 1/4 of the N.W. 1/4 of Section 34, City of Ann Arbor, together with a non-exclusive easement for ingress and egress over a right-of-way.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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**R-307-7-96 APPROVED**

**RESOLUTION TO APPROVE BONDIE ANNEXATION**

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Bondie Annexation, 1.0 acre, 2274 Newport Road.

Whereas, The territory hereinafter described is located in the Township of Ann Arbor and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Earl T. and Ruth Bondie are the owners of said property; and

Whereas, It is the desire of Earl T. and Ruth Bondie to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

**RESOLVED**, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Lot 11, Bowen=s Subdivision, Ann Arbor Township, Washtenaw County, Michigan.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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**R-308-7-96 APPROVED AS AMENDED**

**RESOLUTION REGARDING NEW APPROACH  
TO CITY BUDGETING**

A resolution regarding a new approach to City budgeting was considered.

Councilmember Lumm moved that the resolution be adopted.

Council unanimously agreed that the following second paragraph of the resolution be deleted:

Whereas, By providing line-item budgets for Council approval, the City=s process continues to foster micro-management by Council and limits the discretion and creativity of the department heads;

The question being the resolution as amended, on a voice vote the Mayor declared the motion carried, with Councilmember Daley dissenting.

The resolution as adopted reads as follows:

**R-308-7-96**

**RESOLUTION REGARDING NEW APPROACH  
TO CITY BUDGETING**

Whereas, The City of Ann Arbor has utilized a traditional line-item approach to budgeting, and over the past few years has adopted a target based technique where the City Administrator develops bottom-line spending targets by department consistent with anticipated revenues;

Whereas, Other cities and governmental entities have successfully adopted a new, more entrepreneurial approach to budgeting that is based on principles of centralized goal setting, increased discretion and decentralization of specific decisions on how many is spent, and increased accountability for results;

Whereas, Other cities have also combined these principles with budget incentives that provide for individual departments retaining a portion of savings they achieve for use by that department in the subsequent year;

Whereas, Fundamental changes to a budgeting process must be carefully considered and any proposal to decentralize decision making and/or eliminate Council line-item approval must be accompanied by a more robust process for goal setting and prioritization by the Council and Administrator, and by increased accountability and a more precise performance measurement system for department heads; and

Whereas, A new budget approach emphasizing Council/Administrator goal setting and increased discretion and incentives (and accountability) for department heads should result in improved efficiency and enhanced focus on key priorities;

RESOLVED, That the Budget Policy/Process Committee be re-formed, and that the committee's objectives include evaluating the City's existing budgeting process and alternative approaches that would increase the discretion and incentives of department heads in managing their budgets, but in the context of increased accountability and accompanied by an improved process for goal setting and prioritization by Council and the Administrator; and

RESOLVED, That the Administrator chair the committee and present to Council within 30 days recommended membership of the committee and a proposed charter for the committee.

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**R-309-7-96 SUBSTITUTE RESOLUTION APPROVED**

*Original resolution:*

**RESOLUTION TO AUTHORIZE CONTRACT WITH  
SAKSTRUP'S TOWING, INC. FOR TOWING AND STORAGE  
OF IMPOUNDED VEHICLES (AREA A) - RFP NO. 388**

Whereas, Proposals were solicited for towing and storage of impounded vehicles;

Whereas, Sakstrup's Towing, Incorporated was judged the most qualified proposer for Area A;

Whereas, Sakstrup's Towing, Incorporated received Human Rights approval from the Human Resources Department on June 25, 1996; and

Whereas, Due to perceived ambiguities in the pricing of some items in the proposals, the City Administrator has clarified these with each bidder and recommends formal rejection of all bids and execution of a contract without competitive bidding;

**RESOLVED, That City Council reject all bids for Area A;**

**RESOLVED, That City Council authorize negotiation of a contract per RFP No. 388 for towing and storage of impounded vehicles with Sakstrup's Towing, Incorporated for Area A substantially in the form on file in the City Clerk's Office;**

**RESOLVED, That the City Council approve entry into a contract substantially in the form on file in the City Clerk's Office;**

**RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the cited contract; and**

**RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution, including obtaining the services from the next most qualified proposer if the original contractor is not able to furnish adequate service or is not performing under the contract.**

**Councilmember Kolb moved that the resolution be adopted.**

**Councilmember Carlberg moved that the following substitute resolution be placed on the table for consideration:**

***Substitute resolution:***

**R-309-7-96**

**RESOLUTION REJECTING ALL TOWING CONTRACT BIDS -  
RFP NO. 388 (SAKSTRUP=S TOWING, INC. - AREA A)**

**Whereas, It has been recommended that the Ann Arbor City Council reject all towing contract bids due to an irregularity in the process; and**

**Whereas, There appears to be inconsistencies in the Human Rights reporting forms;**

**RESOLVED, That the Ann Arbor City Council reject all bids for all towing districts within the City and direct the City Administrator to extend current contracts while conducting a rebid process which includes districts which are comparable in area. The City Administrator is also encouraged to negotiate a fee with all successful bidders that is consistent throughout the City.**

**On a voice vote the Mayor declared the motion carried.**

**Councilmember Carlberg moved that the substitute resolution be adopted.**

**On a voice vote the Mayor declared the motion carried.**

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**R-310-7-96 SUBSTITUTE RESOLUTION APPROVED**

***Original resolution:***

**RESOLUTION TO AUTHORIZE CONTRACT WITH  
TRIANGLE TOWING, INC. FOR TOWING AND STORAGE  
OF IMPOUNDED VEHICLES (AREA B) - RFP NO. 388**

**Whereas, Proposals were solicited for towing and storage of impounded vehicles;**

Whereas, Triangle Towing, Incorporated was judged the most qualified proposer for Area B;

Whereas, Triangle Towing, Incorporated received Human Rights approval from the Human Resources Department on June 12, 1996; and

Whereas, Due to perceived ambiguities in the pricing of some items in the proposals, the City Administrator has clarified these with each bidder and recommends formal rejection of all bids and execution of a contract without competitive bidding;

**RESOLVED**, That City Council reject all bids for Area B;

**RESOLVED**, That City Council authorize negotiation of a contract per RFP No. 388 for towing and storage of impounded vehicles with Triangle Towing, Incorporated for Area B substantially in the form on file in the City Clerk's Office;

**RESOLVED**, That the City Council approve entry into a contract substantially in the form on file in the City Clerk's Office;

**RESOLVED**, That the Mayor and City Clerk be authorized and directed to execute the cited contract; and

**RESOLVED**, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution, including obtaining the services from the next most qualified proposer if the original contractor is not able to furnish adequate service or is not performing under the contract.

Councilmember Kolb moved that the resolution be adopted.

Councilmember Carlberg moved that the following substitute resolution be placed on the table for consideration:

*Substitute resolution:*

**R-310-7-96**

**RESOLUTION REJECTING ALL TOWING CONTRACT BIDS -  
RFP NO. 388 (TRIANGLE TOWING, INC. - AREA B)**

Whereas, It has been recommended that the Ann Arbor City Council reject all towing contract bids due to an irregularity in the process; and

Whereas, There appears to be inconsistencies in the Human Rights reporting forms;

**RESOLVED**, That the Ann Arbor City Council reject all bids for all towing

districts within the City and direct the City Administrator to extend current contracts while conducting a rebid process which includes districts which are comparable in area. The City Administrator is also encouraged to negotiate a fee with all successful bidders that is consistent throughout the City.

On a voice vote the Mayor declared the motion carried.

Councilmember Carlberg moved that the substitute resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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**R-311-7-96 SUBSTITUTE RESOLUTION APPROVED**

***Original resolution:***

**RESOLUTION TO AUTHORIZE CONTRACT WITH  
BREWER'S INC. FOR TOWING AND STORAGE OF  
IMPOUNDED VEHICLES (AREA C) - RFP NO. 388**

Whereas, Proposals were solicited for towing and storage of impounded vehicles;

Whereas, Brewer's, Incorporated was judged the most qualified proposer for Area C;

Whereas, Brewer's, Incorporated received Human Rights approval from the Human Resources Department on June 7, 1996; and

Whereas, Due to perceived ambiguities in the pricing of some items in the proposals, the City Administrator has clarified these with each bidder and recommends formal rejection of all bids and execution of a contract without competitive bidding;

**RESOLVED, That City Council reject all bids for Area C;**

**RESOLVED, That City Council authorize negotiation of a contract per RFP No. 388 for towing and storage of impounded vehicles with Brewer's, Incorporated for Area C substantially in the form on file in the City Clerk's Office;**

**RESOLVED, That the City Council approve entry into a contract substantially in the form on file in the City Clerk's Office;**

**RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the cited contract; and**

**RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution, including obtaining the services from the next most qualified proposer if the original contractor is not able to furnish adequate service or is not performing under the contract.**

**Councilmember Kolb moved that the resolution be adopted.**

**Councilmember Carlberg moved that the following substitute resolution be placed on the table for consideration:**

***Substitute resolution:***

**R-311-7-96**

**RESOLUTION REJECTING ALL TOWING CONTRACT BIDS -  
RFP NO. 388 (BREWER=S INC. - AREA C)**

**Whereas, It has been recommended that the Ann Arbor City Council reject all towing contract bids due to an irregularity in the process; and**

**Whereas, There appears to be inconsistencies in the Human Rights reporting forms;**

**RESOLVED, That the Ann Arbor City Council reject all bids for all towing districts within the City and direct the City Administrator to extend current contracts while conducting a rebid process which includes districts which are comparable in area. The City Administrator is also encouraged to negotiate a fee with all successful bidders that is consistent throughout the City.**

**On a voice vote the Mayor declared the motion carried.**

**Councilmember Carlberg moved that the substitute resolution be adopted.**

**On a voice vote the Mayor declared the motion carried.**

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**R-312-7-96 SUBSTITUTE RESOLUTION APPROVED**

***Original resolution:***

**RESOLUTION TO AUTHORIZE CONTRACT WITH  
SAKSTRUP=S TOWING, INC. FOR TOWING AND STORAGE  
OF IMPOUNDED VEHICLES (AREA D) - RFP NO. 388**

**Whereas, Proposals were solicited for towing and storage of impounded vehicles;**

Whereas, Sakstrup's Towing, Incorporated was judged the most qualified proposer for Area D;

Whereas, Sakstrup's Towing, Incorporated received Human Rights approval from the Human Resources Department on June 25, 1996; and

Whereas, Due to perceived ambiguities in the pricing of some items in the proposals, the City Administrator has clarified these with each bidder and recommends formal rejection of all bids and execution of a contract without competitive bidding;

**RESOLVED**, That City Council reject all bids for Area D;

**RESOLVED**, That City Council authorize negotiation of a contract per RFP No. 388 for towing and storage of impounded vehicles with Sakstrup's Towing, Incorporated for Area D substantially in the form on file in the City Clerk's Office;

**RESOLVED**, That the City Council approve entry into a contract substantially in the form on file in the City Clerk's Office;

**RESOLVED**, That the Mayor and City Clerk be authorized and directed to execute the cited contract; and

**RESOLVED**, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution, including obtaining the services from the next most qualified proposer if the original contractor is not able to furnish adequate service or is not performing under the contract.

Councilmember Kolb moved that the resolution be adopted.

Councilmember Carlberg moved that the following substitute resolution be placed on the table for consideration:

*Substitute resolution:*

**R-312-7-96**

**RESOLUTION REJECTING ALL TOWING CONTRACT BIDS -  
RFP NO. 388 (SAKSTRUP=S TOWING, INC. - AREA D)**

Whereas, It has been recommended that the Ann Arbor City Council reject all towing contract bids due to an irregularity in the process; and

Whereas, There appears to be inconsistencies in the Human Rights reporting forms;

**RESOLVED, That the Ann Arbor City Council reject all bids for all towing districts within the City and direct the City Administrator to extend current contracts while conducting a rebid process which includes districts which are comparable in area. The City Administrator is also encouraged to negotiate a fee with all successful bidders that is consistent throughout the City.**

**On a voice vote the Mayor declared the motion carried.**

**Councilmember Carlberg moved that the substitute resolution be adopted.**

**On a voice vote the Mayor declared the motion carried.**

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**R-313-7-96 APPROVED**

**RESOLUTION PROCLAIMING HURON RIVER DAY,  
SUNDAY, JULY 14, 1996**

**Whereas, The 1996 theme is AThe Community Volunteer: We Cannot Do It Without You≡...etc.;**

**Whereas, The Huron River is a major asset of the Ann Arbor community;**

**Whereas, Many groups have again been planning educational exhibits and guided walks, in which individuals can become better acquainted with the river=s ecology and their stewardship role;**

**Whereas, Children=s activities, races, contests, band and symphony music and entertainment have been planned;**

**Whereas, This is a day, above all, for residents of the Ann Arbor area community to come and enjoy being on the river and its shores, with games, exhibits, races, walks and music;**

**Whereas, This is the 16th celebration of Huron River Day; and**

**Whereas, A dedication ceremony of the new Furstenberg Park will be held at 12 Noon this day;**

**RESOLVED, That Sunday, July 14, 1996 be declared Huron River Day and all residents be invited to spend the day at Gallup Park in celebration of our river; and**

**RESOLVED, That we honor the hundreds of volunteers who have worked very hard to preserve and protect the beautiful Huron River and its watershed.**

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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**R-314-7-96 APPROVED**

**RESOLUTION NO. 4 - CONFIRM ASSESSMENT ROLL  
FOR FRANKLIN BOULEVARD SIDEWALK GAP PROJECT**

Whereas, The City Council, after due and legal notice, has met for the purpose of reviewing a special assessment roll prepared for the purpose of assessing the private property's share of the cost of constructing sidewalk described as follows:

**Franklin Boulevard sidewalk gaps between Stadium Boulevard  
and Potter Avenue, District No. 25, File No. 94058;**

Whereas, The City Council has heard all persons interested in the necessity of the improvement or aggrieved by the special assessment roll and has considered any and all objections thereto; and

Whereas, The City Council is satisfied with said special assessment roll,

**RESOLVED,**

1. That said special assessment roll as prepared by the City Assessor be hereby confirmed in the amount of \$12,706.00 and designated as Sidewalk Special Assessment District No. 25, File No. 94058;

2. That said special assessment roll be divided into fifteen (15) equal annual installments, the first of which shall be due on December 1, 1996, and the fourteen (14) subsequent installments to be due on June 1 of each and every year thereafter; and

3. That the deferred installments of said special assessment roll bear interest at the rate of 7% to be adjusted to 1% per annum above the average interest rate of any bonds issued to finance the improvements, commencing December 1, 1996; said interest to be collected annually on the due date of the second and subsequent installments of said special assessment roll.

**FRANKLIN BOULEVARD SIDEWALK GAPS PROJECT  
DISTRICT NO. 25, FILE NO. 94058**

<u>SHARE</u>		<u>PROPERTY</u>
09-31-112-076	Nob Hill Stadium Properties c/o Wilson White Co. 325 E. Eisenhower Parkway, #3 Ann Arbor, MI 48104	\$ 1,752.00
09-32-212-005	Fisher, George 1410 Franklin Boulevard Ann Arbor, MI 48103	3,864.00
09-32-213-011	Solms, Lynda 1317 Franklin Boulevard Ann Arbor, MI 48103	450.00
09-32-213-013	Teppo, Kenneth & Anne 1815 Saxon Ann Arbor, MI 48103	1,440.00

09-32-217-001	Scherdt, Robert & Billie 1200 Franklin Boulevard Ann Arbor, MI 48103	2,200.00
09-32-217-002	Eide, Margaret A. 1206 Franklin Boulevard Ann Arbor, MI 48103	1,500.00
09-32-218-001	Smith, Julie L. 1207 Franklin Boulevard Ann Arbor, MI 48103	1,500.00
	<b>TOTAL PROPERTY SHARE</b>	<b>\$ 12,706.00</b>

Councilmember Vereen-Dixon moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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**R-315-7-96 APPROVED**

**RESOLUTION TO APPROVE CONSTRUCTION CONTRACT  
WITH RIC-MAN CONSTRUCTION, INC. AND ESTABLISH A  
PROJECT BUDGET FOR THE TRANSMISSION WATER MAIN  
IMPROVEMENTS PROJECT - BID NO. 2882**

Whereas, The 1995-2001 Capital Improvements Program includes the Transmission Water Main Improvements Project in its Capital Program Summary of Utilities Water System Projects;

Whereas, Competitive bids were received by the Purchasing Division on June 13, 1996, and Ric-Man Construction, Inc. was the lowest responsible bidder at \$1,236,000; and

Whereas, Ric-Man Construction, Inc. has received approval from the Human Resources Department on July 1, 1996;

**RESOLVED**, That City Council approve a contract, per Bid No. 2882, with Ric-Man Construction, Inc. in the amount of \$1,236,000 for the construction of the Transmission Water Main Improvements Project, and that the Mayor and the City Clerk be authorized to sign the agreement substantially in the form on file with the City Clerk;

**RESOLVED**, That City Council adopt the following budget for the life of the project, to be available until expended without regard to fiscal year:

## Section I, Revenue

<b>\$1,980,000</b>	<b>Advanced from the Water Supply System Fund (Fund 042) pending the sale of Water Revenue Bonds</b>
<b>\$1,980,000</b>	<b>TOTAL</b>

## Section II, Expense

<b>\$1,511,000</b>	<b>Construction (including \$275,000 for street resurfacing)</b>
<b>89,000</b>	<b>Design Engineering</b>
<b>120,000</b>	<b>Construction Engineering</b>
<b>70,000</b>	<b>Testing, Consulting and Professional Services</b>
<b>100,000</b>	<b>Contingencies approved by the City Administrator</b>
<b>25,000</b>	<b>Miscellaneous Costs</b>
<b><u>65,000</u></b>	<b>Overhead Charges</b>
<b>\$1,980,000</b>	<b>TOTAL; and</b>

**RESOLVED**, That Council authorize the City Administrator to take the necessary administrative actions to implement this resolution.

**Councilmember Hanna-Davies** moved that the resolution be adopted.

**On a voice vote** the Mayor declared the motion carried.

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R-316-7-96 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH CTI AND ASSOCIATES, INC. FOR TESTING SERVICES FOR THE TRANSMISSION WATER MAIN IMPROVEMENTS PROJECT

Whereas, It is necessary to employ a qualified testing firm to perform essential testing for the Transmission Water Main Improvements Project;

Whereas, Proposals for this testing were received and evaluated by the Engineering Division on the basis of qualifications and fees;

Whereas, CTI and Associates, Inc. has demonstrated the required experience, personnel and competitive fee schedule to perform the work;

Whereas, CTI and Associates, Inc. has received approval from the Human Resources Department on April 2, 1996; and

Whereas, Funding for this agreement is available within the approved Transmission Water Main Improvements project budget;

RESOLVED, That Council approve a professional services agreement with CTI and Associates, Inc., in the amount of \$30,000.00, for construction testing and inspection services for the Transmission Water Main Improvements Project, and that the Mayor and City Clerk be authorized to sign the agreement substantially in the form on file with the City Clerk; and

RESOLVED, That Council authorize the City Administrator to take the necessary administrative actions to implement this resolution.

Councilmember Hanna-Davies moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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**R-317-7-96 APPROVED**

**RESOLUTION TO APPROVE AN AMENDMENT  
TO PROFESSIONAL SERVICES AGREEMENT WITH  
MIDWESTERN CONSULTING, INC. FOR THE TRANSMISSION  
WATER MAIN IMPROVEMENTS PROJECT**

Whereas, The Council approved a professional services agreement with  
Midwestern Consulting, Inc. on March 6, 1995 for the design of the Transmission  
Water Main Improvements Project;

Whereas, Additional funds in the amount of \$72,500.00 are needed to  
compensate Midwestern Consulting, Inc. for the cost of changing the design to  
comply with the City=s requirements and for additional services to be provided  
during the construction stage;

Whereas, Midwestern Consulting, Inc. has received approval from the Human  
Resources Department on April 2, 1996; and

Whereas, Funding for the amendment is available within the approved  
Transmission Water Main Improvements project budget;

**RESOLVED**, That City Council approve an amendment to the existing  
Professional Services Amendment with Midwestern Consulting, Inc. to increase the  
professional services agreement by \$72,500.00 for additional design and  
construction engineering services;

**RESOLVED**, That the Mayor and City Clerk be authorized to sign the  
amendment substantially in the form on file with the City Clerk; and

**RESOLVED**, That Council authorize the City Administrator to take the  
necessary administrative actions to implement this resolution.

**Councilmember Hanna-Davies moved that the resolution be adopted.**

**On a voice vote the Mayor declared the motion carried.**

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**R-318-7-96 APPROVED**

**RESOLUTION TO APPROVE CONSTRUCTION CONTRACT WITH  
ABC PAVING COMPANY AND ESTABLISH A PROJECT BUDGET FOR  
DEVELOPMENT OF SOUTHEAST AREA PARK - BID NO. 2903**

Whereas, Southeast Area Park is designated in the FY 1996/97 Park Rehabilitation and Development Millage budget and the Capital Improvement Plan for new park development;

Whereas, Competitive bids were received by the Purchasing Division on June 10, 1996 and ABC Paving was the lowest responsible bidder at \$1,533,000.00;

Whereas, It was necessary to adjust the bid of ABC Paving Co. to fit within the available budget for the project to an adjusted contract award amount of \$1,266,843.70;

Whereas, Funds for the project are available from the FY 96/97 budget from the Park Rehabilitation and Development Millage, 1983-89 Park Rehabilitation and Development Millage, the previously approved L&WCF Grant and the Nike donation, totaling \$1,477,000.00; and

Whereas, The Human Resources Department approval was received on June 18, 1996 for ABC Paving Co.;

**RESOLVED**, That the Mayor and City Council approve a construction contract, (Bid #2903) with ABC Paving Co. in the amount of \$1,266,843.70 for improvements to Southeast Area Park, and authorize the Mayor and City Clerk to sign the agreement substantially in the form on file with the City Clerk;

**RESOLVED**, That the Mayor and Council appropriate the \$50,000.00 donation from Nike, Inc. into the project budget; and

**RESOLVED**, That the Mayor and City Council approve a construction contingency in the amount of \$64,156.30 (5%) to cover potential contract change orders to be approved by the City Administrator, and approve a construction inspection and testing contingency of \$146,000.00, for a total project budget of \$1,477,000.00 for the life of the project.

Councilmember Lumm moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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**R-319-7-96 APPROVED**

**RESOLUTION TO APPROVE LEASE AGREEMENT WITH  
THE REGENTS OF THE UNIVERSITY OF MICHIGAN FOR  
THE COMMUNITY DENTAL CENTER**

Whereas, The University of Michigan has leased the City-owned building at 406 N. Ashley Street since 1981 for use by the Community Dental Center; and

Whereas, The City of Ann Arbor has entered into contract with the University of Michigan beginning July 1, 1996 to provide dental services to low-income Ann Arbor residents at the Community Dental Center;

**RESOLVED**, That the Mayor and City Council approve the Lease Agreement with the Board of Regents of The University of Michigan for the building located at 406 N. Ashley Street to begin July 1, 1996 and terminate on June 30, 1997, with an option to renew for two additional one-year terms, and authorize the Mayor and City Clerk to execute the lease agreement substantially in the same form as on file in the Office of the City Clerk.

Councilmember Kolb moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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**R-320-7-96 APPROVED**

**RESOLUTION TO DECLARE A TEMPORARY MORATORIUM ON  
RECEIPT, PROCESSING AND ISSUANCE OF TELECOMMUNICATIONS  
AND CABLE PERMITS AND FRANCHISES**

Whereas, The Michigan Legislature recently enacted Public Act No. 216 of 1995 ("Act 216") which addresses the use of public rights-of-way by telecommunications providers;

Whereas, Congress recently enacted the Federal Telecommunications Act of 1996;

Whereas, Both Act 216 and the Federal Telecommunications Act of 1996 provide for, and recognize the right of, a local unit of government to review and approve access to and ongoing use of public rights-of-way by telecommunications and cable providers and does not limit a local unit of government=s authority to ensure and protect the public health, safety, and welfare of its citizens;

Whereas, Art. 7, Section 29 of the Michigan Constitution reserves the right of all cities to the reasonable control of their highways, streets, alleys, and public places;

Whereas, Chapter 3 of the Charter for the City of Ann Arbor provides that the City has all powers conferred upon it under the Constitution and laws of Michigan;

Whereas, In order to protect the public health, safety, and welfare of its citizens and to reasonably control the City=s rights-of-way, it is necessary for the City to prepare and enact ordinances to establish procedures for applying for a permit or a franchise under either Act 216 or the Federal Telecommunications Act of 1996, and to minimize disruption of the public rights-of-way by regulating the construction, installation, and operation of the facilities of telecommunications providers, cable providers and others in the public rights-of-way, and by regulating other use of the public rights-of-way by telecommunications providers, cable providers and others;

Whereas, Until such ordinances are prepared and enacted, it would be contrary to the public health, safety, and welfare for telecommunications and cable providers to apply for and obtain permits or franchises required by either Act 216 or the Federal Telecommunications Act of 1996; and

Whereas, To provide sufficient time to prepare and enact such ordinances, the City of Ann Arbor hereby declares that it is necessary to protect the public health, safety, and welfare and to reasonably control the City=s rights-of-way by imposing a temporary moratorium on the receipt, processing, or issuance of permits and franchises pursuant to either Act 216 or the Federal Telecommunications Act of 1996;

RESOLVED, That the City hereby declares a temporary moratorium on the receipt, processing, or issuance of any permits or franchises pursuant to either Act No. 216 of the Public Acts of 1995 or the Federal Telecommunications Act of 1996;

RESOLVED, That no application for a permit or a franchise shall be received or processed by the City and no permit or a franchise shall be issued or granted by the City during the temporary moratorium;

RESOLVED, That the temporary moratorium provided by this Resolution shall expire ninety (90) days from the passage of this Resolution;

RESOLVED, That any permit issued by the City for work within the public rights-of-

way shall not constitute the permit required by Act No. 216 of the Public Acts of 1995 for access to and use of public rights-of-way by providers of telecommunications services;

RESOLVED, The permits required by Act No. 216 of the Public Acts of 1995 must be obtained separately from the City following expiration of the temporary moratorium provided in this Resolution; and

RESOLVED, That a copy of this resolution shall be provided to any persons who express interest in obtaining a permit or franchise pursuant to either Act 216 or the Federal Telecommunications Act of 1996 during the temporary moratorium.

**Councilmember Kwan moved that the resolution be adopted.**

**On a voice vote the Mayor declared the motion carried.**

## **REPORTS FROM COUNCIL COMMITTEES**

### **COUNCILMEMBER VEREEN-DIXON**

Councilmember Vereen-Dixon stated that a report of the Real Estate Committee will be submitted to Council in late July or early August.

## **COUNCIL PROPOSED BUSINESS**

### **REGULAR SESSION OF JULY 15, 1996:**

**Resolution Requesting the Washtenaw County Board of Commissioners to Support a Ballot Proposal for a Millage to Purchase the Development Rights to Agricultural Land in Washtenaw County to Help Preserve Land for Agricultural Use (Councilmember Daley)**

**Ordinance Regarding Parking Requirements to Protect Natural Features (Councilmember Hanna-Davies)**

## **COMMUNICATIONS FROM THE MAYOR**

### **APPOINTMENTS APPROVED**

**Mayor Sheldon announced the following Council committee assignment:**

#### **CITY PLANNING COMMISSION**

**Councilmember Jean Carlberg  
Term: 7/1/96 to 6/30/97**

**NOMINATIONS PLACED ON TABLE**

Mayor Sheldon placed the following nominations on the table for approval at a later date:

**DOWNTOWN DEVELOPMENT AUTHORITY**

David Fritz (reappointment)  
200 S. Main St., #200  
Term: 8/1/96 to 7/31/2000

Maria Harshe (reappointment)  
1110 White St.  
Term: 8/1/96 to 7/31/2000

Lorri Sipes (reappointment)  
208 W. Liberty St.  
Term: 8/1/96 to 7/31/2000

**HOUSING POLICY BOARD**

Charles H. Kieffer (to fill vacancy)  
263 Crest Ave.  
Term: 7/15/96 to 5/6/97

Cynthia Akah (to fill vacancy)  
810 Henry St.  
Term: 7/15/96 to 7/14/99

**PARK ADVISORY COMMISSION**

Kim C. Waldo (reappointment)  
3423 Charing Cross Rd.  
Term: 7/19/96 to 7/18/99

**COMMUNITY DEVELOPMENT CITIZEN  
PARTICIPATION EXECUTIVE COMMITTEE**

Margo M. Barron (reappointment)  
1606 South Blvd.  
Term: 7/17/96 to 6/30/99

Clarence E. Dukes, Jr.  
1002 W. Liberty St.  
Term: 7/17/96 to 6/30/99

**ELIZABETH DEAN FUND COMMITTEE**

Warren Attarian (reappointment)  
3490 Gettysburg Rd.  
Term: 8/1/96 to 7/31/98

Jack Etsweiler (reappointment)  
2118 Pauline Blvd.  
Term: 8/1/96 to 7/31/98

Claire Turcotte (reappointment)  
1 Regent Dr.  
Term: 8/1/96 to 7/31/98

Richard Chesbrough (reappointment)  
3176 Lakewood Ave.  
Term: 8/1/96 to 7/31/98

Craig Terrell (reappointment)  
40 S. Staebler Rd., #1  
Term: 8/1/96 to 7/31/98

Elizabeth Graham (replacing Denis Roberson at term expiration)  
925 Aberdeen Dr.  
Term: 8/1/96 to 7/31/98

**ANN ARBOR Y RESIDENCE ADVISORY COMMITTEE**

Millicent A. Empedocles (to fill vacancy)  
1308 Granger Ave.

**ANN ARBOR HOSPITALITY COMMITTEE**

Edna M. Roberson  
2436 Lake in the Woods, Apt. 906  
Ypsilanti, MI  
Term: 7/15/96 to 1/1/98

**HURON RIVER CLEANUP DAY / HURON RIVER DAY**

Mayor Sheldon announced that Huron River Cleanup Day is scheduled for Saturday, July 13, from 9:00 a.m. to noon, at Gallup Park, and welcomed volunteers to assist with the effort. The Mayor reminded citizens of Huron River Day activities scheduled for July 14, which will include the Mayor=s Cup Canoe Race and the dedication of the Furstenburg Park nature area.

**WORKING SESSION**

The Mayor announced that a Council working session on the Middle Huron Initiative and Partnership Agreement is scheduled for 6:30 p.m., Monday, July 15, prior to the regular session of Council.

**COUNCIL/MEDIA SOFTBALL GAME**

Mayor Sheldon announced that this year=s Council/Media softball game is scheduled for Monday, July 22.

**RECENTLY SIGNED PROCLAMATIONS:**

Mayor Sheldon reported that she recently signed proclamations in recognition of:

- Rev. Sherman L. Greene, Jr. - June 8, 1996;
- Timotheos D. Marrellis - June 15, 1996;
- 100th Anniversary of the Sarah Caswell Angell Chapter of the Daughters of the American Revolution - July 3, 1996;
- Prince Hall Shriners Day - July 6, 1996; and
- Visit to Ann Arbor of the Ministry of Health Delegation from Syrian Arab Republic during June and July.

**KKK RALLY**

Mayor Sheldon stated that she was not present during the KKK rally because of

previous commitments to community benefit events and family, but was in contact with the police during the rally.

## COMMUNICATIONS FROM THE CITY ADMINISTRATOR

### REPORTS SUBMITTED

City Administrator Neal G. Berlin submitted the following reports for information of Council:

1. Response to Council Follow-Up Notes of June 17, 1996, Item No. 1 - Unzoned Property
2. Landfill Slurry Wall Extended Work Hours
3. Environmental Bonds Series A/B/C Statement of Revenues, Expenditures and Changes in Fund Balance through May 31, 1996
4. Towing Contracts
5. Release of Zoning Information
6. Response to Council Follow-Up Notes of June 17, 1996, Item No. 2 - Status Report on the Flag in Veterans Memorial Park
7. City of Ann Arbor Investment Management Program Review - January 1 to May 31, 1996
8. Diversity Training Proposal

(Reports on file in the City Clerk's Office)

## COMMUNICATIONS FROM THE CITY ATTORNEY

None.

## COMMUNICATIONS FROM COUNCIL

### COUNCILMEMBER HANNA-DAVIES

Councilmember Hanna-Davies stated that the deleted resolution regarding the City's response to the KKK rally and the counterdemonstration will come back to

Council in some form at a future meeting. Ms. Hanna-Davies explained that consideration of the resolution was delayed to allow Councilmembers a chance to review the issues involved and to view police videotapes of the rally.

#### CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from George Fisher and Kari Magill, 1410 Franklin Blvd., regarding Franklin Blvd. Sidewalk Project (See Resolution No. R-314-7-96) - Public Services, Assessor.
2. Communication from Nicholas Roumel, 212 E. Huron St., Suite 200, regarding Proposed Curfew Ordinance (Ordinance No. 21-96) - File
3. Communication from Christopher C. Godwin, 3256 Williamsburg Dr., regarding KKK rally - File.
4. Communication from Richard S. Cygan, 1525 Pauline Blvd., regarding KKK rally - File.
5. Protest Petition regarding Liberty Oaks Site Condominium Rezoning (Ordinance No. 24-96) - Planning.

The following minutes were received for file:

1. Planning Commission - May 7 and May 21, 1996
2. Housing Board of Appeals - May 14, 1996
3. Ann Arbor Transportation Authority Board - May 22, 1996
4. Housing Policy Board - June 19, 1996
5. Ann Arbor Historic District Commission - April 11, 1996
6. Housing Commission - May 15, 1996

Councilmember Putman moved that the Clerk's Report be accepted.

On a voice vote the Mayor declared the motion carried.

#### **PUBLIC COMMENTARY - GENERAL**

##### **SHANTA DRIVER - KKK RALLY**

Shanta Driver, Detroit, MI, a member of the National Women=s Rights Organizing Coalition, demanded that a resolution be adopted immediately by Council declaring that the City=s policies concerning the KKK rally were wrong and calling for the charges to be dropped against the counterdemonstrators. Ms. Driver expressed anger with the frivolous charges against the demonstrators and with the racism demonstrated by requiring only the black defendants to post bond. Ms. Driver also demanded that Council not allow the police to pursue charges against Keshia Thomas, who protected a citizen from the crowd.

##### **AUDREY JACKSON - KKK RALLY**

Audrey Jackson, 2557 Sandalwood Cir., stated that the Ann Arbor Police were also victims on June 22 because of policies and edicts that came from the Mayor and City Administrator. Ms. Jackson further stated that the community needs to transform its energy into proactive behavior and vote at the upcoming elections to get rid of the Klan sympathizers that sit on City Council and to elect a Council that has the constitution to take a stand on the issues. Ms. Jackson objected to taxpayers= money being used to protect the Klan.

##### **LUKE MASSIE - KKK RALLY**

Luke Massie, Detroit, MI, stated that Ann Arbor will be known as a city that goes to bat for the Klan if the charges against Keshia Thomas are pursued and the city

refuses to make amends for what happened at the June 22 KKK rally. Mr. Massie urged City Council to pass a resolution demanding that no charges be brought against Keshia Thomas and that the charges against the demonstrators be dropped. Mr. Massie stated that Council needs a new City Attorney who will fight against the Klan.

**JODY MASELY - KKK RALLY**

Jody Masely, Detroit, MI, a member of the National Women=s Rights Organizing Coalition, was angered that the police cited aggressive speech by counterdemonstrators as criminal behavior, when the KKK=s hate speech at the June 22 rally was not considered criminal. Ms. Masely expressed concern with the frivolous charges brought against the demonstrators and asked Council to take a stand now to have the charges dropped.

**JOHN PSYCHAS - KKK RALLY**

John Psychas, Ann Arbor resident, spoke in support of City Council and the Police for their actions during the June 22 KKK rally. Mr. Psychas stated that there is no need for a committee to investigate the police since City Council and the City Administrator are very capable of reviewing the tapes to determine just what happened. Mr. Psychas stated that he personally finds the Klan disgusting but would fight for their right of free speech.

**CAROLYN WONG - KKK RALLY**

Carolyn Wong, Detroit, MI, a member of the National Women=s Rights Organizing Coalition, urged City Council to pass two resolutions concerning the June 22 KKK rally: one calling for the charges against the remaining defendants to be dropped and one calling for no charges to be brought against Keshia Thomas.

**ALBERT HOWER - KKK RALLY**

Albert Hower, Ann Arbor resident, stated that he attended the KKK rally and that, in his assessment, the City was Ataken because people decided to act emotionally rather than by a decision of will. Mr. Hower further stated that hate can be insulated but not protected, and that it is time for the community to come together to take a stand against the KKK.

**LARRY FOX - KKK RALLY / PROPOSED ORDINANCES**

Larry Fox, Ann Arbor resident, stated that he supports the first amendment right to free speech, but expressed hope that Councilmembers will take a leadership role in depriving the Klan of an audience by fighting the Anot-in-my-backyard syndrome. Mr. Fox stated that the police at the rally went far beyond what was necessary to keep order, and voiced concern that no mechanism exists to provide checks on the

police. He objected to giving the police even more authority with the proposed curfew, panhandling and graffiti ordinances, which he believes were designed to harass certain people away from downtown. Mr. Fox expressed concern that the people who will be stopped by the police for violation of these ordinances are those least able to defend their rights.

#### ADJOURNMENT

There being no further business to come before Council, the Mayor declared the meeting adjourned at 9:46 p.m.

W. Northcross  
Clerk of the Council

Janet L. Chapin  
Recording Secretary